

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

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In the Matter of License 1907 (Application 7260) and License 4677 (Application 9133)

**Claire Olive Holsclaw**

**ORDER REVOKING LICENSES**

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SOURCE: Peavine Creek

COUNTY: Placer

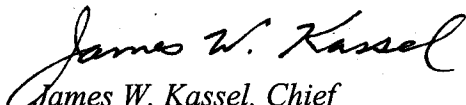
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**WHEREAS:**

1. A request dated January 20, 2004 has been received from the Licensee that the licenses be revoked by the State Water Resources Control Board (SWRCB), Division of Water Rights (Division).
2. The Division interprets the Licensee's request for revocation as a waiver of the notice and hearing requirements set forth in Water Code sections 1675 and 1675.1.
3. The SWRCB has found that Licensee failed to apply the water to beneficial use under the terms and conditions of these licenses.

**THEREFORE:**

It is ordered that License 1907 and License 4677 are hereby revoked by the SWRCB, and the water is declared to be subject to appropriation. This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past SWRCB decisions regarding water availability.

  
*James W. Kassel, Chief*  
*Hearings and Special Projects Section*

**JUL 12 2005**

Dated:



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

Notice of Assignment (Over)

APPLICATION 9133

PERMIT 5246

LICENSE 4677

THIS IS TO CERTIFY, That

Clare Olive Holsclaw, Emma Mae Hughes, Frances H. Rechenmacher, Anna M. Edwards and Edna C. Marshall  
c/o Clare Olive Holsclaw, Rt. 2, Box 2988, Loomis, California  
*have made proof as of June 12, 1958,*

(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
Peavine Creek in Placer County

tributary to North Fork of Middle Fork American River

for the purpose of power  
under Permit 5246

of the State Water Rights Board and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the terms of the said permit; that the priority of the right herein confirmed dates from October 2, 1937 and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed one and five tenths (1.5) cubic feet per second to be diverted from about December 1 of each year to about August 1 of the succeeding year.

The point of diversion of such water is located north one thousand one hundred (1100) feet and east four hundred fifty (450) feet from SW corner of Section 14, T 14 N, R 12 E, MDB&M, being within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 14.

A description of the lands or the place where such water is put to beneficial use is as follows:

within NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 21, T 14 N, R 12 E, MDB&M  
water returned to the Middle Fork American River within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 21.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

... license is granted and lic accepts all rights herein confirmed subject be following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

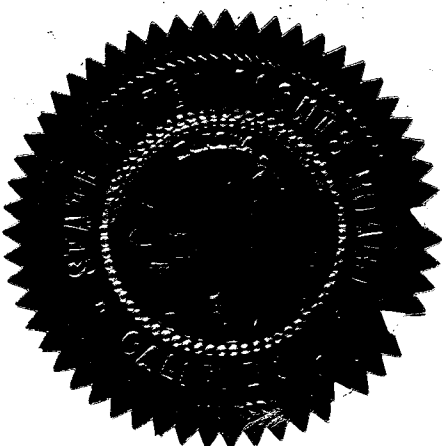
Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: AUG 9 1957

STATE WATER RIGHTS BOARD



By *Leslie C. Jopson*  
LESLIE C. JOPSON  
Chief Engineer

6/18/56

RECEIVED NOTICE OF ASSIGNMENT TO

*Frank N. Tillotson*

4/12/57

RECEIVED NOTICE OF ASSIGNMENT TO

*Clare Olive Holsclaw,  
Emma Mae Hughes, Francis H. Rechenmacher, Anna  
M. Edwards & Edna C. Marshall*

LICENSE 4677

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Clare Olive Holsclaw, et al

AUG 9 1957

DATED